

Remarks

Claims 1, 3-11, 13 and 18-21 are pending in the application. Claims 4 and 9 are allowed. Claims 1, 3, 5-8, 10, 11 and 13 stand rejected. Favorable reconsideration is respectfully requested.

The amendment filed 12/16/2003 was objected to under 35 USC 132 as introducing new matter into the disclosure. The matter added by the amendment filed 12/16/2003 has been deleted above. Accordingly, withdrawal of the objection under 35 USC 132 is respectfully requested.

Claims 18-21 were indicated to be withdrawn as being directed to a non-elected invention. The Application respectfully requests reconsideration under 37 CFR 1.145. Consideration of claims 18-21 by the Examiner is not believed to present an undue burden to the Examiner, since the claims only recite subject matter already searched and considered by the Examiner in connection with the other pending claims.

Claim 13 was rejected under 35 USC 102(b) as being anticipated by Taylor (US 4,592,968). However, the asserted rejection is unsupported by Taylor for at least the reason that Taylor does not disclose "completing manufacture of the separator without baking the separator" as required by claim 13. Support for this claim feature can be found in the present specification at the paragraph bridging pages 26-27. Instead, Taylor only discloses a process that includes carbonization, which cannot be accomplished without baking. See, e.g., Taylor, col. 6, line 55. Accordingly, withdrawal of the rejection of claim 13 as anticipated by Taylor is respectfully requested.

Claims 1, 3, 5-8 and 11 were rejected under 35 USC 103(a) as being unpatentable over Kougorou (JP 59042781). However, Kougorou does not support the asserted rejection for at least the reason that Kougorou does not teach or suggest "heat press forming ... at a temperature which is about 140°C or greater and less than 220°C," as required by claim 1 and consequently also by claims 3, 5-8 and 11 dependent thereon. Instead, Kougorou teaches away from the claimed invention by only disclosing heating at a temperature range from 220°C to 270°C after a preheating step at 200°C (abstract) to produce a "carbon material" (title). Assuming that "carbon material" corresponds to a carbonized or graphitized material, it is well known that such carbonized or graphitized material is not formed from the raw material recited in present

claim 1 at temperatures below 220° C; consequently, the temperature ranges and end product of Kongorou are completely inconsistent with the method recited in present claim 1.

Accordingly, claim 1 and claims dependent thereon are allowable over Kougrou. Withdrawal of the rejection of claims 1, 3, 5-8 and 11 as being unpatentable over Kougrou is therefore respectfully requested.

Claims 3, 5 and 7-8 were rejected under 35 USC 103(a) as being unpatentable over Kougrou in view of Sandelli et al. (US 4,646,956). Claims 3, 5 and 7-8 depend on claim 1 and therefore include its features. As noted above, Kougrou does not teach or suggest the invention as recited in present claim 1. Sandelli et al. does not remedy the deficiencies in Kougrou with respect to claim 1 for at least the reason that, like Kougrou, Sandelli et al. is silent as to "heat press forming ... at a temperature which is about 140°C or greater and less than 220°C." Accordingly, claim 1 is allowable over the combination of Kougrou and Sandelli et al. Consequently, claims 3, 5 and 7-8 are likewise allowable over Kougrou and Sandelli et al. for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 3, 5 and 7-8 as unpatentable over Kougrou in view of Sandelli et al. is therefore respectfully requested.

Claims 1, 3, 5-8 and 11 were further rejected under 35 USC 103(a) as being unpatentable over Sandelli et al. in view of Hidekuni (JP 08-151,461). Deficiencies in Sandelli et al. with respect to claim 1 have been discussed above. Hidekuni does not cure deficiencies in Sandelli et al. for at least the reason that Hidekuni does not teach or suggest "heat press forming ... at a temperature which is about 140°C or greater and less than 220°C," as required by claim 1. Instead, Hidekuni only discloses that a forming board including carbon fiber and solid phenol resin is burned at a temperature range from 1000°C to 3000°C, which far exceeds the temperature range recited in present claim 1. Accordingly, claim 1 and claims dependent thereon are allowable over Sandelli et al. and Hidekuni. Withdrawal of the rejection of claims 1, 3, 5-8 and 11 as being unpatentable over Sandelli et al. in view of Hidekuni is therefore respectfully requested.

Claims 1, 3, 5-8 and 11 were further rejected under 35 USC 103(a) as being unpatentable over Kougrou in view of Hidekuni. For at least reasons discussed above,

both Kougorou and Hidekuni fail to teach or suggest the invention recited in present claim 1. Withdrawal of the rejection of claims 1, 3, 5-8 and 11 as being unpatentable over Kougorou in view of Hidekuni is therefore respectfully requested.


Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Sandelli et al., or Kougorou, in view of JP 08-151,461 (Hidekuni) and further in view of Taylor. However, the above-cited references cannot support the asserted rejection, either singly or in combination, for at least the reason that none teaches or suggests "heat press forming ..., at a temperature which is about 140°C or greater and less than 220°C," or "completing manufacture of the separator without baking the separator," as required by claim 10. Instead, each teaches away from the invention recited in present claim 10, by disclosing only higher temperatures and a carbonized end product. Accordingly, withdrawal of the rejection of claim 10 as unpatentable over Sandelli et al., or Kougorou, in view of Hidekuni and further in view of Taylor is respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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